

**General Assembly**

Distr.: General
12 October 2011

Original: English

Sixty-sixth session

Agenda item 134

Proposed programme budget for the biennium 2012-2013

**Review of arrangements for funding and backstopping
special political missions****Report of the Secretary-General***Summary*

In accordance with General Assembly resolution 65/259 (sect. XIII, para. 7), the Secretary-General has reviewed the current funding and backstopping arrangements for special political missions with a view to identifying possible alternatives. The review finds that, given the evolution of the role of these missions over the past decade, the funding arrangements for such missions and their associated requirements for backstopping are not adequate in three important respects:

- (a) The biennial programme budget is not the optimal vehicle for funding special political missions;
- (b) Start-up and expansion of special political missions are impeded by the lack of well-defined mechanisms to finance them between conferral of a mandate and approval of a budget;
- (c) Much of the backstopping capacity that special political missions need to draw upon is provided by the Department of Peacekeeping Operations, the Department of Field Support and the Global Service Centre, which are not funded from the programme budget.

The report presents options to address the various aspects of the current situation. No single measure can address the full range of issues and specific problems may lend themselves to more than one solution. The alternatives identified in the report all aim to create a funding framework for special political missions that better accommodates the volatility of their resource requirements and operational characteristics than do current arrangements; facilitate transition between different forms of United Nations presences in support of peace, such as from a peacekeeping operation to a special political mission; fill the gap in mechanisms for funding



mission start-up; and enhance effectiveness by eliminating barriers to backstopping capacity based on the funding stream.

The report puts forward for consideration by the General Assembly a number of options that could address these challenges to one degree or another.

Abbreviations and acronyms

AMISOM	African Union Mission in Somalia
BINU3	United Nations Integrated Office in Burundi
BINUCA	United Nations Integrated Peacebuilding Office in the Central African Republic
BNUB	United Nations Office in Burundi
BONUCA	United Nations Peacebuilding Support Office in the Central African Republic
CNMC	Cameroon-Nigeria Mixed Commission
MICAH	International Civilian Support Mission in Haiti
MINUCI	United Nations Mission in Côte d'Ivoire
MINURCA	United Nations Mission in the Central African Republic
MINURCAT	United Nations Mission in the Central African Republic and Chad
ONUB	United Nations Operation in Burundi
UNAMA	United Nations Assistance Mission in Afghanistan
UNAMET	United Nations Mission in East Timor
UNAMI	United Nations Assistance Mission for Iraq
UNAMSIL	United Nations Mission in Sierra Leone
UNFICYP	United Nations Peacekeeping Force in Cyprus
UNIFIL	United Nations Interim Force in Lebanon
UNIOGBIS	United Nations Integrated Peacebuilding Office in Guinea-Bissau
UNIOSIL	United Nations Integrated Office in Sierra Leone
UNIPSIL	United Nations Integrated Peacebuilding Office in Sierra Leone
UNMIN	United Nations Mission in Nepal
UNOA	United Nations Office in Angola
UNOB	United Nations Office in Burundi
UNOGBIS	United Nations Peacebuilding Support Office in Guinea-Bissau
UNOMIG	United Nations Observer Mission in Georgia
UNOMSIL	United Nations Observer Mission in Sierra Leone
UNOSOM	United Nations Operation in Somalia
UNOTIL	United Nations Office in Timor-Leste
UNOWA	United Nations Office for West Africa
UNPOS	United Nations Political Office for Somalia

UNRCCA	United Nations Regional Centre for Preventive Diplomacy for Central Asia
UNSCO	Office of the United Nations Special Coordinator for the Middle East Peace Process
UNSMIL	United Nations Support Mission in Libya
UNSOA	United Nations Support Office for the African Union Mission in Somalia

I. Introduction

1. Over the past decade, a proliferation of political missions has assumed an important place in United Nations efforts towards the maintenance of international peace and security. The United Nations has increasingly come to utilize these mechanisms — collectively named “special political missions” and funded through the programme budget — for the delivery of mandates in a range of fields, including preventive diplomacy efforts through regionally or nationally based political offices; complex political engagement by missions working alongside multinational peacekeeping forces and supporting peace processes; justice mechanisms; expert groups that monitor and strengthen Security Council sanctions regimes; and integrated peacebuilding offices.

2. There are currently 31 special political missions. Their financial volume has expanded exponentially, as has the number of staff on the ground, which has grown to more than 4,000 civilians, most of whom are deployed in missions with multidimensional mandates and often in dangerous environments. While gaps in the arrangements for smaller field missions for preventive diplomacy and peacemaking were discerned as long ago as 1995, the vastly increased requirements of the missions have made the need to address these gaps more pressing.

3. The present report is submitted pursuant to section XIII of General Assembly resolution 65/259, in which the Assembly requested the Secretary-General to conduct a thorough review of the current funding and backstopping arrangements for special political missions, with a view to identifying possible alternatives. The proposals presented in the report have been developed with the objectives of increasing the effectiveness and efficiency of these missions; enhancing transparency and accountability; avoiding duplication; and facilitating oversight by the General Assembly of the budgets of the United Nations. These proposals are also in line with the priorities identified by the Secretary-General for 2011, which include improving the budget process to better manage resources, as well as to embrace innovation and increase the impact of United Nations operational activities.

4. Special political missions form part of a range of interventions and presences of varying configurations deployed by the United Nations in different circumstances to address threats to international peace and security. The other main grouping of such activities is peacekeeping operations. Different financial arrangements apply to each, reflecting their different character and facilitating the apportionment to Member States of the related costs on a different basis between the two types of activities. The analysis undertaken by the Secretariat concludes that the current funding arrangements present challenges in three important respects. First, the biennial programme budget does not well accommodate the dynamism of the life cycle, the unpredictable timing and the operational characteristics of special political missions and does not provide Secretariat backstopping resources that ebb and flow with mission needs. Special political missions may be added, or added to, in mid-cycle, including within an annual cycle, although the regular budget is biennial. These missions therefore have a considerable impact on the overall programme budget figure. Secondly, the practice of financing much of the capacity at Headquarters for backstopping through one funding source (peacekeeping) and generally limiting the use of that capacity to peacekeeping when it is increasingly also required for special political missions inhibits the optimal utilization of Secretariat capacity. Thirdly, current funding arrangements also do not have the flexibility to respond to the funding requirements that arise during mission start-up, expansion or transition.

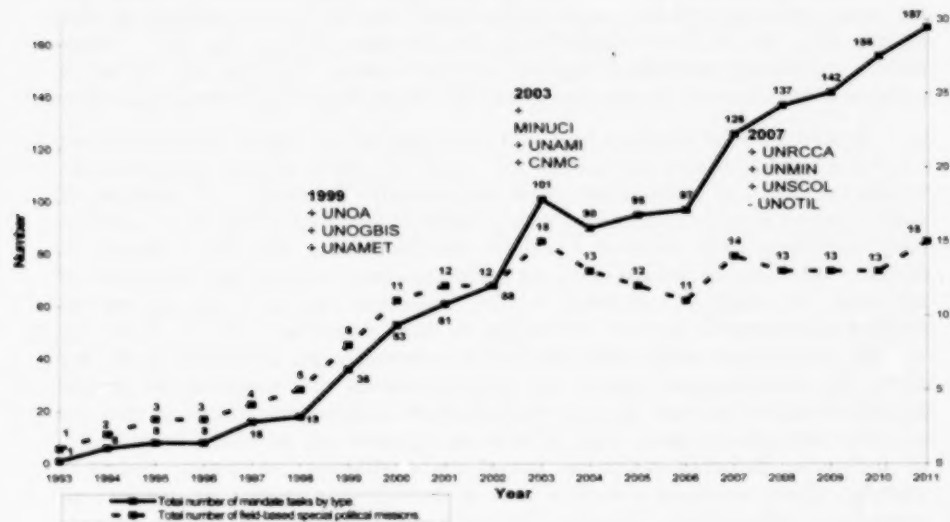
5. The present report puts forward options to change the current funding arrangements aimed at two fundamental purposes: to create a funding framework for special political missions that better accommodates the volatility and unpredictability of their resource requirements and operational characteristics than does the programme budget; and to enhance efficiency by eliminating barriers based on funding stream to access the backstopping that special political missions require.

II. Expanded roles and mandates

6. The recent history of field-based special political missions is generally understood to begin in 1993 with the creation of UNOB. At the outset, special political missions were assigned reporting and monitoring tasks but over the past decade their mandated roles have expanded. By 2000, when there were eight political missions in the field, the typical special political mission had, on average, four different core sets of mandated tasks, which were some combination of facilitating political processes, implementing peace agreements, coordinating United Nations activities in the country, and mobilizing international assistance and providing electoral assistance.

7. The number and range of mandated tasks have since changed dramatically. In 2003, a field-based special political mission mandate had an average of seven tasks. By 2010, half of such missions had mandates that contained 12 to 24 tasks.¹

Figure I
Comparison of field-based special political missions and mandate tasks,
1993-2011



Note: For the years that had a significant increase in the total number of mandates, the field-based special political missions added that year have been indicated on the graph.

¹ UNAMA (23), UNPOS (20), UNIOGBIS (17), UNIPSIL (17), UNAMI (15), UNOWA (15) and BINUCA (12).

8. BONUCA, which was established in 2000, is illustrative of a special political mission with a multidimensional mandate. Following on from the preceding peacekeeping operation, MINURCA, the mandate of BONUCA in 2001 included technical assistance to the national police in addition to expanding its work on political facilitation, mediation and human rights. BONUCA subsequently made the transition to an integrated peacebuilding office, BINUCA, with a comparable list of tasks. The missions in Sierra Leone (transitioning from a peacekeeping operation) and Guinea-Bissau also received a greater number and diversity of mandated tasks over time. In Guinea-Bissau, UNOGBIS was created in 1999 with two mandated tasks. Its successor, the integrated peacebuilding office UNIOGBIS, which was established in 2010, has 17 tasks.

9. In addition to the unique set of tasks within their individual mandates, special political missions also are subject to a range of thematic mandates, which require enhanced support and backstopping, in particular those concerning women and peace and security, sexual violence and conflict, and children and armed conflict. Overall, the breadth of the tasks that any individual special political mission must carry out creates the requirement for a wide range of specialized expertise, either within the mission itself or through a backstopping arrangement with a provider outside the mission.

III. Funding arrangements for special political missions

10. In introducing the proposed programme budget for the biennium 2010-2011 to the Fifth Committee, the Secretary-General stated that he thought it necessary to put in place an alternate funding mechanism for special political missions (see A/C.5/64/SR.10, para. 8). While these missions have never corresponded ideally with the concept of the programme budget, the growth in their number, size and operational scope in recent years has cast this misalignment into sharper relief.

11. The budgetary proposals for special political missions for 2011 contained in A/65/328 and Add.1-7 and Add.1/Corr.1 and 2, Add.2/Corr.1, Add.3/Corr.1 and Add.6/Corr.1 provide for 30 such missions, given the discontinuation of UNMIN. For the purpose of budget presentation, special political missions have been grouped in recent years into three clusters, with two larger assistance missions (UNAMA and UNAMI) presented separately.

12. Fifteen special political missions are field-based and account for about 94 per cent of the resources provided for all special political missions. Beyond UNAMA and UNAMI, there are 13 other field-based special political missions, including four regional political offices, four integrated peacebuilding offices and other political initiatives. In addition to activities based in the field, there are an array of other special initiatives for peace and security that include special and personal envoys and sanctions groups and monitoring panels. These activities have been grouped into clusters I and II in budget presentations.

13. The inclusion of special political missions in the programme budget has progressively affected the programme budget process by situating requirements for those missions in the context of the negotiation of a total budget envelope, placing pressure on other budgetary requirements. Whether it is appropriate to consider resource requirements for these non-perennial aspects of the United Nations peace and security architecture in the context of the programme budget merits

consideration. The initial appropriation for a biennial programme budget has rarely, if ever, reflected the full biennial requirement for special political missions. There are often significant additional requirements for revised appropriations when the second year of mission resource requirements is factored in. In an environment where the overall level of the programme budget is a key factor, the second year of mission requirements which had not been provided for in the first instance should not be considered as off-cycle add-ons to the approved programme budget.

14. Furthermore, the volatility of mission resource requirements based on shifting mandates is difficult to reconcile with a programme budget process designed around predictability. The establishment of an outline of the programme budget and a contingency fund under General Assembly resolution 41/213 and the annex to Assembly resolution 42/211 reflected the desire of Member States to know at the outset of the biennium the level of resources that would be required during that biennium (see A/C.5/51/57, para. 24). While the more systematic integration of mission requirements in the proposed programme budgets consequent to resolution 53/206 enhanced budget transparency and simplified funding procedures, it did not solve the problem of predictability and volatility. The provision for special political missions has expanded, from an initial appropriation of \$86 million in the 2000-2001 programme budget to a revised appropriation of \$1.2 billion in the 2010-2011 programme budget. The share of the budget represented by these missions has also increased significantly, from 6 per cent in the 2000-2001 programme budget to over 20 per cent in the 2010-2011 programme budget. From the 2002-2003 biennium onwards, a pattern of significant changes within a biennium is evident, with resource requirements increasing from 50 to 100 per cent from the initial to the revised appropriation. The second performance report for the programme budget continues to be largely dominated by the volatile requirements of special political missions.

15. Although part of the programme budget, special political missions are budgeted on the basis of the mandate and requirements of the mission, and do not follow the programme planning and budgeting cycle as they may be approved at any time of the year. The biennial programme budget arrangements make it very difficult to adjust capacity for Headquarters backstopping, because while new missions may be mandated, programme budget staff capacity at Headquarters is very difficult to change outside the regular budget cycle. In terms of resource planning, the overall provision for political missions for the next biennium in the budget outline is generally based on the overall appropriation for ongoing missions that are anticipated to continue into the following biennium.

16. The present financial calendar for the programme budget is not optimal. In practice, an annual financial process is made to fit into a biennial framework. The January to December financial year reflects the requirements of the programme budget. While the calendar year arrangement has proven serviceable, given the increasing reliance of the special political missions on backstopping services obtained from providers that are funded through peacekeeping assessments, which follow a July to June cycle, advantages would accrue from alignment of the financial year for special political missions (January to December) with that of peacekeeping operations (July-June). This would provide a comprehensive global view of all backstopping requirements, open opportunities for further efficiency gains through the global field support strategy and ease the administrative aspects of transition from peacekeeping operations to special political missions, or vice versa.

This also would strengthen oversight by the General Assembly by facilitating its consideration of all interrelated cross-cutting issues.

17. The expenditure classification under the programme budget is not fully aligned with the expenditure classification for peacekeeping operations, which better reflects the requirements of field operations. While not an issue when such missions largely involved special envoys and travel and conference costs, the higher levels of field-based special political mission activity have made more apparent the limitations of the programme budget.

18. **Given the foregoing demonstration that the Organization's current approach to funding special political missions is not adequate, the General Assembly may wish to consider the alternative of establishing a special and separate account for the funding of special political missions that would be budgeted, funded and reported upon on an annual basis with a financial period of 1 July to 30 June. This approach would increase transparency and solve the problems described in paragraphs 13 to 17.**

19. Should the General Assembly wish to establish a special, separate account and adopt the proposed change in the financial calendar for special political missions, the following steps by the Assembly would produce an orderly transition to that alternative funding arrangement:

(a) Appropriate and assess within the framework of the programme budget the financial requirements for the period 1 January to 30 June 2012;

(b) Establish the special account effective 1 July 2012 and assess for it the portion of the already approved programme budget that is needed by the special political missions for the period 1 July to 31 December 2012;

(c) Receive and consider budgetary proposals for special political missions for the period 1 January to 30 June 2013 during the main part of its sixty-seventh session;

(d) Receive and consider budgets for special political missions for the new financial period July 2013 to June 2014 at its second resumed sixty-seventh session.

20. **Another option could be to improve transparency in the budget presentation for special political missions by funding these operations under a totally distinct section of the programme budget. This would involve segregating special political missions from the resources of the Department of Political Affairs and creating a new budget section exclusively for these missions. Resource requirements for the missions would be put forward annually under the new budget section. While this would also increase transparency, it would not fully address the problems identified by the Secretary-General in paragraphs 13 to 17.**

Transitions to and from special political missions

21. Given the variety of arenas in which special political missions now operate, and of the mandates to which they work, the United Nations system needs to contend with transitions between the various forms of United Nations engagement. Transitions between peacekeeping operations and special political missions are not uncommon. Such transitions to political missions have taken place, inter alia, in Angola, Burundi, the Central African Republic, Sierra Leone and Tajikistan. In

Timor-Leste and Liberia, transitions were reversed and peacekeeping operations were redeployed. The present funding and backstopping arrangements do not facilitate such transitions.

22. The distinction between the funding arrangements for peacekeeping and political missions is evident in the shrinking of resources and backstopping capacity, and the consequent risk of disruption to mandate implementation, that can ensue when a peacekeeping operation draws down and is replaced by a follow-on, field-based political mission. As noted in General Assembly resolution 64/269, careful planning and phasing of such transitions are clearly needed to avoid too precipitous a fall-off of capacity. The inability to scale up backstopping capacity as a peacekeeping operation transitions to a special political mission could have the perverse effect of delaying a transition for fear that the new mission would not have the support it requires. In addition, current arrangements impede the rational redistribution of capacity within the Secretariat to support missions in transition, as lead departments change. For example, staff in the Department of Peacekeeping Operations employed against posts funded from the support account would normally not be available to assist in backstopping the follow-on political mission because of limitations placed on the use of support account resources, based on Assembly resolution 61/279 and subsequent resolutions on the support account. This has a particular effect on the continuity of backstopping in areas such as police reform, disarmament and demobilization, and security sector reform.

Mission start-up and expansion

23. Special political missions lack well-defined and accessible mechanisms to finance mission start-up and expansion, pending the approval of a budget. Currently, advance funding for the launch or expansion of special political missions is available only through the envelope of the existing overall special political mission budget or through the Secretary-General's funding for unforeseen and extraordinary expenses of up to \$8 million as he certifies relating to peace and security or up to \$10 million per decision of the Security Council with the concurrence of the Advisory Committee on Administrative and Budgetary Questions. This means that there is no independent, dedicated cash-flow mechanism to enable rapid response.

24. For example, the mandates for the integrated peacebuilding offices in Guinea-Bissau (UNIOGBIS) and the Central African Republic (BINUCA) were approved in mid-2009, involving in both cases a significant scaling up of presence. As their budgets — each in the range of \$18 million to \$19 million annually — would not be considered by the General Assembly until the end of the year, to prepare for mission start-up, they had to rely on unplanned, unexpended balances in the overall provision for special political missions for that biennium. But as such balances are not generally known until late in the year, significant delays resulted. Providing for the expansion of an existing or start-up of a new political mission should not have to depend on other missions underspending their budgets.

25. One mechanism used for financing mission start-up is the authority of the Secretary-General, provided most recently in General Assembly resolution 64/246 for the biennium 2010-2011, to enter into commitments for unforeseen and extraordinary expenses related to peace and security in the amount of up to \$8 million a year, or up to \$10 million with the prior concurrence of the Advisory Committee on Administrative and Budgetary Questions for each prior decision of

the Security Council. While this mechanism enables the Secretary-General to initiate actions that respond to emerging threats to international peace and security, it is not well-suited to the start-up or expansion of special political missions that have already been mandated. UNAMA, for example, which had significant expansions approved by the Security Council in March of 2008 and 2009, had to wait for resources for nine months pending consideration of a budget. With special political missions having annual budgets as high as \$275 million a year, a cash-flow mechanism to enable rapid response during the start-up or the expansion of a mandated mission is required. This is precisely the purpose of the Peacekeeping Reserve Fund, as described in financial regulation 4.5 of the Financial Regulations and Rules of the United Nations, except that its use is confined to peacekeeping operations. Such mechanisms for interim funding are valuable means of reconciling the need for oversight by the Assembly with the need to commence mandated work in fast-changing conflict and post-conflict environments.

26. Also related to the start-up of political missions is their access to the strategic deployment stocks. When the strategic deployment stocks were established, all drawdowns had to be paid for in advance. This put missions for which a commitment authority or budget did not yet exist at a disadvantage. In its resolution 64/269, the General Assembly changed this with respect to peacekeeping operations, by authorizing commitments of up to \$50 million from the strategic deployment stocks, with the prior concurrence of the Advisory Committee, with reimbursement to be made after the receipt of the appropriation. It would help the start-up of special political missions to be permitted to draw on the strategic deployment stocks on the same basis.

27. Given the foregoing demonstration that the Organization's current approach to funding start-up, expansion and transition activities of special political missions is inadequate, the Secretary-General offers the following options that would improve performance:

(a) Option 1. Authorize special political missions to access the Peacekeeping Reserve Fund on the same basis as peacekeeping operations. This is a proven mechanism to address cash-flow requirements during the start-up or expansion phase of a mission and therefore will solve the problem described above;

(b) Option 2. Increase the discretion of the Secretary-General within the programme budget for unforeseen and extraordinary expenses from the current \$10 million to \$50 million, with the concurrence of the Advisory Committee on Administrative and Budgetary Questions. This option uses an existing mechanism to solve the problem described above.

28. In addition, and irrespective of the options presented in the preceding paragraphs, special political missions could be authorized to access strategic deployment stocks on the same basis as peacekeeping operations, extending the provisions of General Assembly resolution 64/269 concerning access to and reimbursement of the stocks to be applicable to special political missions. This option would allow special political missions to draw upon strategic deployment stocks in advance of the corresponding budget appropriation.

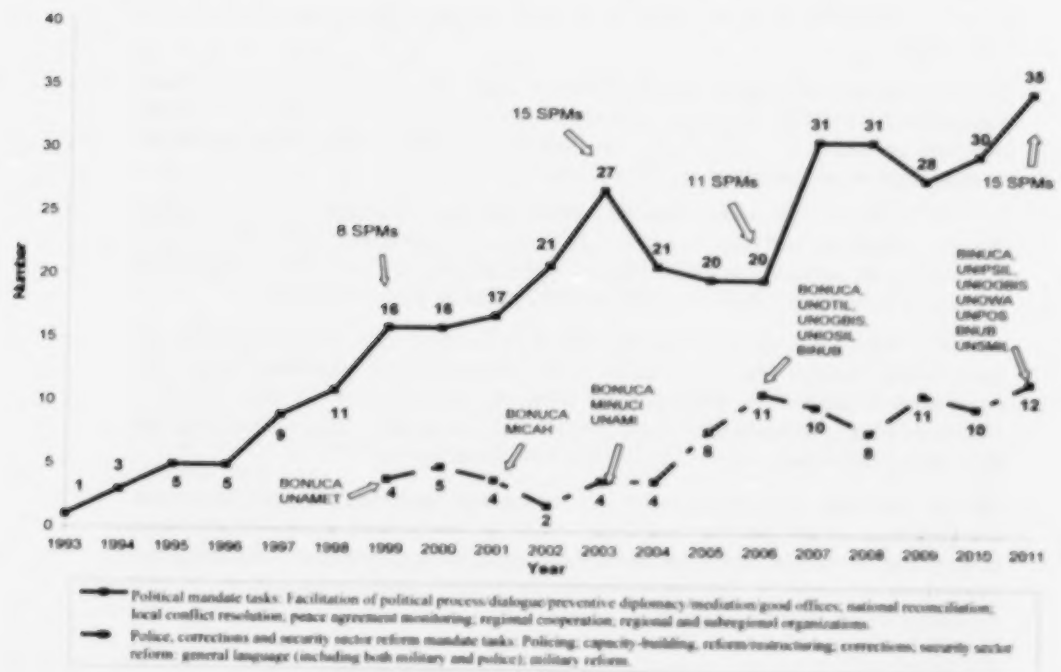
IV. Backstopping of special political missions

29. The Department of Political Affairs leads 27 of the existing 31 special political missions. This includes all field-based special political missions, with the exception of UNAMA, which is led by the Department of Peacekeeping Operations. The multifaceted substantive mandates of special political missions, especially those in the field, require complex Headquarters backstopping for planning, direction and substantive support. The report of the Secretary-General on estimates in respect of special political missions, good offices and other political initiatives authorized by the General Assembly and/or the Security Council (A/64/349) described what such backstopping entails.

30. The past five years have seen a tripling of the mandated tasks related to the political work of the missions, including the facilitation of political processes, dialogue and reconciliation, preventive diplomacy, good offices, mediation, support to peace processes and peace agreement monitoring and implementation, and more interaction with and support to regional and subregional organizations.

Figure II

Number of mandated tasks related to political processes and to policing, corrections and security sector reform in field-based special political missions, 1993-2011



31. More special political missions have also generated a corresponding demand for increased political backstopping in areas such as demands for reporting and providing support to the Security Council; increased demand for a United Nations

role in relevant contact groups, groups of friends and regional organizations; the provision of leadership and coordination of the new United Nations integration agenda applied in Headquarters and the field for assessment, planning and mandate implementation across all country-based special political missions; and demand for more conflict analysis and political analysis from new intergovernmental bodies such as the Peacebuilding Commission, which it is the responsibility of the Department of Political Affairs to provide. As the Department of Political Affairs has not had the possibility of drawing on the support account to build or enter into contracts for capacity in relation to mission needs, and as the programme budget does not readily adapt to short-term changes in Headquarters staffing needs, the Department has had to fill capacity gaps by undermining the coverage of other countries and regions, by attempting to mobilize extrabudgetary resources, and by taking other ad hoc measures. Not only does the Department not have access to a flexible mechanism to respond to the changing requirements of missions, it is the only Department in the Secretariat with significant servicing responsibilities for activities in peacekeeping operations (electoral assistance and mediation support) that does not have access to the support account to meet variable capacity requirements.

32. With respect to administrative backstopping at Headquarters, the Executive Office of the Department of Political Affairs provides administrative support for 13 of the 17 missions in clusters I and II and the Department of Field Support provides logistical and administrative backstopping support to the 15 special political missions based in the field. The table contained in the annex to the present report sets out the responsibilities for overall leadership and administrative support of these missions and initiatives.

33. For Headquarters-based missions, the Executive Office of the Department of Political Affairs and the Office for Disarmament Affairs provide support in finance and budget, human resources, information and communications technology and logistics. The Office for Disarmament Affairs supports one mission, and the number of special political missions the Department of Political Affairs supports has increased from six in 2004 to 13 in 2011. Since 2008, one new sanctions and monitoring panel has been established every year, each time with 10 to 12 personnel, leading to an increase in the total number of personnel to be administered by the Executive Office of the Department of Political Affairs from 70 to 113 (an increase of 61 per cent). The Executive Office is also a resource for the Department's regional desks that lead field-based special political missions.

34. For field-based missions, there is a correlation between the demand for Headquarters administrative and logistical backstopping and the size and capacity of the mission support structures. While it may seem counter-intuitive, the demands on Headquarters can be greater for small political missions, because their lack of support structures and delegations of authority requires that Headquarters provide the necessary service.

35. UNAMI and UNAMA possess internal support structures and related delegations of authority similar to small- to medium-sized peacekeeping operations. The support structures of the integrated peacebuilding offices may lack the specialization for more complex tasks, and thus support is provided from Headquarters. The political offices are very highly reliant on centralized support from Headquarters in all areas of administration and logistics. Because smaller

field-based special political missions generally have less depth in their support structures, the staffing capacity they do receive needs to be senior and experienced.

36. The creation of the Department of Field Support, with responsibility for supporting the political missions as well as peacekeeping operations, has strengthened the framework for administrative and logistical backstopping, while offering the opportunity for economies of scale in the delivery of services. The further development of the global field support strategy offers opportunities for the Organization to move from a mission-specific, "siloed" approach to field support, to an integrated business model that improves support to field-based missions through process re-engineering and economies of scale that target service improvements globally rather than through a mission-centric, stovepipe approach.

37. The Department of Political Affairs/Department of Field Support service level agreement, which came into effect on 15 December 2010, addresses Department of Field Support support to Department of Political Affairs-led field missions in all phases of a mission life cycle. The Department of Field Support designates a focal point for each field-based political mission to serve as a principal point of contact for the Department of Political Affairs; it will also undertake in the course of the coming year an examination of the common features of different types of field-based political missions to facilitate the planning and provision of support requirements in the future.

38. A critical feature of the services delivered by the Department of Field Support on the full range of support issues is assistance to the Department of Political Affairs in developing the mission support plan. Department of Field Support divisions at Headquarters typically backstop field-based special political missions in accordance with their terms of reference. The Department of Field Support also backstops through functions discharged at the Global Service Centre.² The backstopping services can be multimodal: depending on the requirements and circumstances of the mission, backstopping might be arranged through the country team, on a mission-to-mission basis, and through services provided by the Regional Service Centre at Entebbe, Uganda, and the Global Service Centre.

39. Other departments also discharge important backstopping functions. For the Department of Management, backstopping entails the full array of administrative services covering procurement, financial management and human resource functions.

40. The Office of Programme Planning, Budget and Accounts supports special political missions in the areas of budget preparation, presentation to legislative bodies and budget implementation, and provides all the required accounting and insurance functions, payroll and income tax administration for international staff as well as global treasury and banking services. Under the supervision of the Office of Central Support Services, the Procurement Division at Headquarters undertakes procurement activities, provides advisory support for field procurement within the authority of field-based missions, and develops policies and procedures for procurement at Headquarters, field-based missions and offices away from Headquarters. It also develops training modules and oversees the delivery of procurement-related training. The Procurement Division also prepares and

² The Global Service Centre includes the premises and facilities of the United Nations Logistics Base at Brindisi, Italy, and the United Nations Support Base at Valencia, Spain.

administers contracts for the procurement of goods and service. The Office of Human Resources Management provides human resources support and services to the Headquarters-based special political missions under the authority of the Department of Political Affairs. For field-based special political missions, authority is delegated to the Department of Field Support, which is the first point of contact and provider of services. However, the Office of Human Resources Management provides significant backstopping support in the areas of administration of entitlements, recruitment and talent management, medical services and central human resources policy direction directly related to special political missions, an example of which is the recent harmonization of conditions of service for field staff.

41. The Office of Internal Oversight Services (OIOS) conducts internal audits, inspections and evaluations of special political missions based on risk assessment. OIOS also investigates reports of possible misconduct of staff serving in special political missions. In addition to the resources deployed for oversight activities from Headquarters, OIOS maintains resident auditors at UNAMA and UNAMI.

42. The Office of Legal Affairs provides a full array of legal services to special political missions in respect of both substantive and support-related issues. In particular, the Office drafts and negotiates agreements, including the status-of-mission agreements and supplementary arrangements and memorandums of understanding with Member States and international and non-governmental organizations. The Office reviews the rules of engagement and other standard operating procedures. It advises on a broad range of international legal issues, including interpretation of Security Council mandates, application and enforcement of status-of-mission agreement provisions, privileges and immunities, safety and security, and humanitarian law. The Office also advises on special political mission institutional and cooperative arrangements, logistical support arrangements, procurement activities and contracting requirements, the resolution of related disputes, and personnel and administrative issues, including conduct and discipline matters, and issues arising from the United Nations system of administration of justice.

V. Funding of backstopping

43. The examination by oversight bodies and the Advisory Committee on Administrative and Budgetary Questions in recent years of the adequacy of arrangements for the backstopping of special political missions has drawn attention to a variety of issues that required attention, beyond resources and funding. Recurring themes have included the need to abate the risk of duplication or gaps through a clear definition of the responsibilities of the Department of Political Affairs and the Department of Peacekeeping Operations, a clear understanding of the services the Department of Field Support should provide, and improved systems for ensuring adequate and predictable mission planning, start-up and backstopping. The significant progress made to date in improving the institutional arrangements includes:

- (a) Establishment of the Department of Field Support, with a mandate to support field-based special political missions as well as peacekeeping operations;
- (b) Issuance of updated Secretary-General's bulletins on the organization and responsibilities of the Departments of Political Affairs, Peacekeeping Operations

and Field Support (ST/SGB/2009/13, ST/SGB/2010/1 and ST/SGB/2010/2, respectively);

(c) Completion of a service level agreement between the Department of Field Support and the Department of Political Affairs;

(d) Development by the Department of Political Affairs of standard operating procedures and guidelines for backstopping of special political missions;

(e) Development of mechanisms to apply the integration principle of United Nations efforts in post-conflict situations, including by applying the integrated planning process, leading Headquarters task forces, and developing supporting integrated strategic frameworks for Department of Political Affairs-led field-based missions and the United Nations country team;

(f) Adoption of the global field support strategy by the General Assembly;

(g) Development of guidance to support more effective political mission start-up and transition;

(h) Articulation of the responsibility and accountability of the regional divisions of the Department of Political Affairs, in addition to their ongoing, broad political affairs tasks, for backstopping political missions, through, inter alia, the inclusion of performance indicators in budgets.

44. While progress has been made in defining roles, responsibilities and accountabilities, and developing improved tools for planning and guiding missions, deficient funding arrangements for backstopping continue to inhibit the development of a predictable platform for backstopping, reduce the speed and effectiveness of response, and limit the utilization of specialized and expert capacities already available in the Secretariat to serve as global service providers available to special political missions and peacekeeping operations. Two distinct but interrelated issues are relevant.

45. The first is the issue of resources for Headquarters backstopping by the Department of Political Affairs and other departments. The absence of sufficient provision for substantive and administrative backstopping has been a strain on the Department and other departments, a matter which the Secretary-General has referred to in the past. To develop a better appreciation of backstopping capacity issues, the Secretary-General initiated measures to estimate the resources currently devoted to backstopping all special political missions in all departments and offices. While that exercise points to shortfalls in backstopping capacity in certain areas, the findings are considered preliminary. It would in any case be premature to assess capacity requirements without first addressing the flaws in the financing arrangements for backstopping, which foster gaps, duplication, inefficiency and non-transparent practices in relation to accountability to the General Assembly.

46. The second issue centres on the fact that special political missions do not have access to the backstopping services financed through the support account. This means that it is not straightforward for all the relevant capacities in the United Nations, irrespective of funding sources, to provide needed support and backstopping for special political missions in a transparent and regular manner. A means needs to be found to enable all the relevant capacities in the United Nations, irrespective of funding sources, to provide the needed support and backstopping for special political missions. The report of the Secretary-General on the

implementation of General Assembly resolution 63/261 (A/65/161 and Corr.1) indicated the need for field missions led by the Department of Political Affairs to access more easily the support and specialist capacity that is available in the United Nations. The financing arrangements for backstopping are central to addressing that issue.

47. The financial architecture for the backstopping of special political missions does not support a seamless approach to backstopping. Current arrangements have the effect of defining access to services on the basis of funding source, thereby creating incentives either to obscure the operational realities, to replicate existing capacities, or to establish administratively burdensome cost recovery procedures for mobilizing the requisite expertise.

48. The problem rests in the differences in and conditions governing the access to funding sources. While funded by the programme budget, field-based special political missions require administrative and logistical support from the Department of Field Support, as well as substantive support from the Department of Peacekeeping Operations, notably by the Office of Rule of Law and Security Institutions, which is called upon to support special political missions that are mandated to support police reform, drawing on the Police Division and its standing police capacity (as in the cases of UNAMI, UNIPSIL, UNOWA, BNUB, UNPOS, UNIOGBIS and BONUCA), security sector reform, disarmament and demobilization, mine action and functions related to justice and criminal law; by the Office of Operations, which leads UNAMA; and sometimes by the Office of Military Affairs. Trends in the growth of the related mandates are reflected in figure II, listing the special political missions responsible for those mandates. At the same time, the Department of Political Affairs supports electoral and mediation activities in peacekeeping operations, without access to resources funded from the support account.

49. The capacities of the Department of Field Support and the Department of Peacekeeping Operations are, overwhelmingly, funded by the support account for peacekeeping operations, at 92 and 93 per cent respectively. Within the Department of Peacekeeping Operations, of the 150 posts and positions in the Office of Rule of Law and Security Institutions, only the leadership cell is funded in the programme budget (about 98 per cent of the capacity of the Office is funded from the support account) and a significant portion of the Mine Action Service posts are funded from voluntary contributions. The General Assembly, in its resolution 61/279 and all subsequent resolutions on the peacekeeping support account, stressed that the support account is to be used for the sole purpose of financing the resource requirements for backstopping and supporting peacekeeping operations at Headquarters, and that any change in this limitation requires the prior approval of the Assembly. As a practical matter, the issue has proven less clear cut. For example, the Department of Field Support has from the outset been expected to support special political missions and cannot do so without drawing on its capacity that is funded from the support account.

50. The review of resources utilized to backstop special political missions indicates an appreciable draw on capacity that is funded from the support account. As the mandates of special political missions may increasingly require many of the same types of backstopping expertise that peacekeeping operations require, current arrangements provide only three alternatives: either to extend inadequate support; or

not to extend support; or to create costly, duplicative capacities. The Secretary-General therefore now believes it is necessary, in the interests of efficiency, transparency and his own accountability to the General Assembly for the effective stewardship of resources in accordance with mandates, to cease defining access to services by funding stream. Institutional coherence and cost-effectiveness require that the Secretariat should leverage its centres of expertise in the good interests of the Organization. In principle, all field-based special political missions should have access to the full range of capacities extant within the Secretariat.

51. The following approaches would provide the required access:

(a) **Option 1. Make the support account available to all departments and offices to fund their variable backstopping requirements in relation to the field-based special political missions and confirm the responsibility to support special political missions, while maintaining the existing arrangements for the financing of the support account and the Global Service Centre. This approach would solve the problems with special political mission backstopping described in the present report;**

(b) **Option 2. Presuming that the General Assembly decides to establish a special and separate account for special political missions as suggested in paragraph 18 above, use that account to fund the support account and the Global Service Centre on a pro rata basis in line with the share of special political missions of the total backstopping requirements for both peacekeeping operations and special political missions. This approach would also solve the problems with special political mission backstopping.** Based on the timetable for transition outlined in paragraph 19 above, the envisaged formula for sharing the costs of the support account and of the Global Service Centre between the special account for special political missions and peacekeeping operations would come fully into effect for the 2013-2014 biennium, as that would be the first time the budgets for both peacekeeping operations and special political missions would be considered and appropriated for a full year at the same time. As a transitional step, the formula for sharing the costs for the 2012-2013 biennium would be applied to the six months of special political mission resources that are designated for the special account at the time the support account and the budget for the United Nations Logistics Base, which funds the Global Service Centre budgets for the 1 July 2012 to 30 June 2013 financial period, are approved;

(c) **Option 3. Authorize the charging of variable headquarters backstopping requirements to special political mission budgets. This would facilitate access, especially for departments and offices funded primarily from the programme budget, to variable capacity in response to the ebb and flow of special political mission needs. This would, however, make the distinction between the funding of the mission and the funding of Headquarters capacity, less clear;**

(d) **Option 4. Include special political mission variable backstopping requirements within the support account and the capacity of the Global Service Centre. This approach would solve the problems with special political mission backstopping described in the present report. It would require an annual midyear additional appropriation for the programme budget to reflect the share of the special political missions of the backstopping services provided through the support account and by the Global Service Centre.**

52. The table below illustrates what the contribution of the special political missions would be to the cost of the support account and the Global Service Centre for a full year, based on the approved budgets for special political missions for 2011 and peacekeeping operation appropriations for the period 1 July 2010 to 30 June 2011.

Notional special political mission contribution to the support account and the Global Service Centre

(Thousands of United States dollars)

Peacekeeping operation appropriations, 2010-2011	7 391 633
Budget, special political missions, 2011	631 162
Total, peacekeeping operations and special political missions	8 022 795
Special political mission share	7.86 per cent
Support account	363 811
Special political mission support account share	28 595
Global Service Centre	68 179
Special political mission Global Service Centre share	5 359

VI. Implementation arrangements

53. Some of the proposals made in the present report imply changes to the Financial Regulations and Rules of the United Nations. As it will be necessary for the General Assembly at its sixty-seventh session to consider revised financial regulations and rules in connection with the introduction of the International Public Sector Accounting Standards, revisions necessitated by the adoption of one or more of the preceding options could be presented in that comprehensive context.

VII. Conclusions

54. Special political missions are important vehicles for the work of the United Nations in support of international peace and security. Significant measures have been taken in recent years to place the institutional arrangements for these missions on a stronger footing, but current funding arrangements are deficient because they do not provide for timely mission start-up or expansion. The funding arrangements for Headquarters backstopping have two important gaps. One is that much of the existing capacity needed to backstop special political missions is funded from the support account, which is generally restricted to the support of peacekeeping operations. A second element is that the biennial programme budget does not readily adapt to the variable backstopping capacity needs that result from the ebb and flow of special political mission activities.

55. The alternative funding arrangements set out in the present report aim to create a more effective budgetary framework for special political missions and more cost-effective and transparent arrangements for Headquarters backstopping. Alternatively, special political missions and their backstopping requirements could continue to be financed through the arrangements presently utilized. Or, in order to

avoid defining access to Headquarters backstopping services by funding stream, the support account could provide explicitly for the needs of special political missions, with the programme budget contributing to the support account on a pro rata basis. Or, a separate account for special political missions could be established. Similarly, to facilitate start-ups and transitions, the Secretary-General could have a larger commitment authority or special political missions could draw upon the peacekeeping reserve fund and/or the strategic deployment stocks.

VIII. Actions for the General Assembly

56. The General Assembly is requested to consider the findings of the review and the alternative approaches advanced by the Secretary-General in the report to address the challenges and shortcomings in the current mechanisms for financing and backstopping special political missions.

Annex

Special political missions

		Establishing decision	Based in: central and sub-offices, and liaison ^a	2011 staff	2011 budget (Thousands of United States dollars)	Lead department/ admin. support missions	Neighbouring and predecessor missions
Cluster I							
1.	Special Adviser of the Secretary-General on Cyprus	S/1997/321 (open mandate)	Nicosia	19	3 474.5	DPA/DFS	UNFICYP
2.	Special Envoy of the Secretary-General on Myanmar	General Assembly resolution 48/150 (1994)	New York Headquarters	5	1 216.7	DPA/DPA	
3.	Personal Envoy of the Secretary-General for Western Sahara	S/2005/498	New York Headquarters/ Home	1	629.2	DPA/DPA	
4.	Special Envoy of the Secretary-General for the implementation of Security Council resolution 1559 (2004)	Security Council resolution 1559 (2004)	New York Headquarters	3	734.1	DPA/DPA	
5.	Special Adviser of the Secretary-General for the Prevention of Genocide	S/2004/568 (resolution 1366 (2001))	New York Headquarters	9	2 575.6	n.a./DPA	
6.	United Nations representative to the International Advisory and Monitoring Board of the Development Fund for Iraq ^b	Security Council resolution 1483 (2003) S/2003/1030	New York Headquarters	—	—	DM/DM	
7.	United Nations Representative to the Geneva international discussions	S/2010/103 S/2011/279 A/65/328/Add.7	Geneva	7	1 469.0	DPA/DFS	UNOMIG
Cluster II							
8.	Monitoring Group on Somalia/Eritrea	Security Council resolution 1519 (2003)	Nairobi	3 (8)	2 186.2	DPA/DPA	
9.	Panel of Experts on Liberia	Security Council resolution 1760 (2007)	Home	— (3/1)	641.7	DPA/DPA	
10.	Group of Experts on Côte d'Ivoire	Security Council resolution 1584 (2005)	Home	1 (5)	1 302.9	DPA/DPA	
11.	Group of Experts on the Democratic Republic of the Congo	Security Council resolution 1533 (2004)	Home	1 (6/1)	1 447.9	DPA/DPA	
12.	Panel of Experts on the Sudan	Security Council resolution 1591 (2005)	Addis Ababa	2 (5/3)	1 802.7	DPA/DPA	
13.	Panel of Experts on the Democratic People's Republic of Korea	Security Council resolution 1874 (2009)	New York Headquarters	5 (7/2)	3 036.2	DPA/DPA	
14.	Panel of Experts on the Islamic Republic of Iran	Security Council resolution 1929 (2010)	New York Headquarters	4 (8)	3 217.7	DPA/DPA	

	<i>Establishing decision</i>	<i>Based in central and sub-offices, and liaison^b</i>	<i>2011 budget (Thousands of United States dollars)</i>	<i>2011 staff</i>	<i>Lead department/ admin. support missions</i>	<i>Neighbouring and predecessor missions</i>
15.	Al-Qaida/Taliban Analytical Support and Sanctions Monitoring Team and Office of the Ombudsperson	New York Headquarters	4 299.0	10 (9.1)	DPA/DPA	
16.	Panel of Experts on the Libyan Arab Jamahiriya	Home	1 670.4	2 (8)	DPA/DPA	
17.	Support to the Security Council Committee established pursuant to resolution 1540 (2004) and group of experts (Security Council resolution 1977 (2011))	New York Headquarters	3 045.7	5 (8)	ODA/ODA	
18.	Counter-Terrorism Committee Executive Directorate	New York Headquarters	8 902.0	40	CTED/CTED	
Cluster III						
19.	United Nations Office for West Africa	Dakar for West Africa	7 715.3	32	DPA/DFS	CNMC
20.	United Nations Regional Centre for Preventive Diplomacy for Central Asia	Ashgabat for Central Asia	3 133.0	29	DPA/DFS	
21.	United Nations Regional Office for Central Africa	Libreville for Central Africa	3 505.2	20	DPA/DFS	
22.	United Nations Integrated Peacebuilding Office in Sierra Leone	Freetown and 4 sub-offices	16 629.6	82	DPA/DFS	UNIOSIL UNAMSIL UNOMSIL
23.	United Nations Integrated Peacebuilding Office in the Central African Republic	Bangui and 4 sub-offices	19 793.6	157	DPA/DFS	BONUCA MINURCAT MINURCA
24.	United Nations Integrated Peacebuilding Office in Guinea-Bissau	Bissau	18 440.1	119	DPA/DFS	UNOGBIS
25.	United Nations Office in Burundi	Bujumbura and 4 sub-offices	22 145.8	134	DPA/DFS	BINUB ONUB UNOB
26.	United Nations Political Office for Somalia	Mogadishu and 4 sub-offices (Nairobi)	16 345.0	105	DPA/DFS	UNSOA AMISOM UNOSOM I-II
27.	Office of the United Nations Special Coordinator for Lebanon	Beirut	9 094.2	82	DPA/DFS	UNIFIL UNSCO/PRSG

	Establishing decision	Based in central and sub-offices, and liaison ^a	2011 staff	2011 budget (Thousands of United States dollars)	Lead department admin support missions	Neighbouring and predecessor missions
28. United Nations support for the Cameroon-Nigeria Mixed Commission	S/2004/298 ^d S/2004/299 (open mandate)	Dakar for Cameroon-Nigeria	20	8 714.2	DPA/DFS	UNOWA
29. United Nations Support Mission in Libya	Security Council resolution 2009 (2011)				DPA/DFS	
30. United Nations Assistance Mission in Afghanistan	Security Council resolution 1401 (2002)	Kabul and 8 sub-offices (Islamabad, Tehran, Kuwait)	2 755	259 059.0	DPKO/DFS	
31. United Nations Assistance Mission in Iraq	Security Council resolution 1500 (2003)	Baghdad and 3 sub-offices (Amman, Kuwait, Tehran)	1 051	201 536.3	DPA/DFS	

Abbreviations: DPA, Department of Political Affairs; DFS, Department of Field Support; DM, Department of Management; n.a., not applicable; CTED, Counter-Terrorism Executive Directorate; PRSG, Personal Representative of the Secretary-General.

^a This includes the main office (in the capital city), sub-offices in the same country and liaison or support offices in other countries. Terminology varies, for example, sub-offices are called regional offices in UNPOS, UNAMA and BNUB.

^b (x/y) refers to (experts/consultants).

^c Established in May 2003, considered liquidated in 2008-2009 then re-presented in 2010-2011.

^d Authorization to move support to the CNMC onto the regular budget (it was established in December 2002).

A/66/341

Readex
Fiche

**General Assembly**Distr.: General
6 September 2011

Original: English

Sixty-sixth session

Item 117 of the provisional agenda*

Follow-up to the outcome of the Millennium Summit**Implementation of General Assembly resolution 64/215 on
legal empowerment of the poor and eradication of poverty****Report of the Secretary-General***Summary*

The present report is submitted pursuant to General Assembly resolution 64/215. It finds that expanding access to justice and the rule of law is important for poverty reduction and the achievement of internationally agreed development goals. Legal empowerment of the poor requires improvements in the administration of justice and expansion of identity and birth registration, as well as the repeal of laws that impede the poor from exercising their rights. Key legal instruments for poverty reduction include pro-poor property rights and access to land and assets, employment policy and regulatory frameworks that protect labour and increase employment, a fair, inclusive and socially responsible private sector, and quality education and training that target vulnerable populations in particular. Furthermore, international cooperation efforts should be cognizant of and conducive to the legal empowerment of the poor. Finally, national and local contexts, including traditional or informal dispute resolution mechanisms, must be considered in any reforms aimed at empowering people living in poverty.

* A/66/150.



Contents

	<i>Page</i>
I. Introduction	3
II. Background	3
III. Rule of law and access to justice	4
IV. Property rights and access to land	7
V. Full employment and decent work	10
VI. Encouraging a socially responsible private sector	12
VII. Education and training	13
VIII. International cooperation	16
IX. Conclusions and the way forward	17

I. Introduction

1. General Assembly resolution 64/215 recognized that the legal empowerment of the poor was essential for the effective eradication of poverty. Legal empowerment of the poor focuses on the legal protection of assets, labour and economic transactions ensuring the security of livelihoods, shelter, identity, tenure and contracts. Reduction of poverty depends on institutions' ability to deliver goods and services, regulate the market in the public interest and provide legal access to economic assets in ways that are fair and equitable. In this way, legal empowerment can accelerate the achievement of the Millennium Development Goals through legal reform, institutional strengthening and empowering disadvantaged groups.

2. The General Assembly, in its resolution 64/215, takes note of the broad diversity of national experiences in the area of legal empowerment of the poor, recognizes the initiatives undertaken by some countries in advancing the legal empowerment of the poor as an integral part of their national strategies and objectives, and stresses the importance of promoting the sharing of national best practices in this regard.

3. In the same resolution, the General Assembly requested the Secretary-General to submit to it at its sixty-sixth session a report on the implementation of the resolution, taking into account the national experiences and views of Member States. To this end, the Secretariat sent a questionnaire to the Governments of all Member States requesting information on national experiences and views with regard to legal empowerment of the poor and eradication of poverty. Ten countries, Austria, Georgia, Guatemala, Iraq, Japan, Jordan, Lebanon, Mexico, Mongolia and Thailand, responded to the questionnaire. The present report is based primarily on the country responses and their thematic focus.¹ Input was also sought from the United Nations system through the Rule of Law Coordination and Resource Group, which is responsible for the coordination and coherence of rule of law activities within the United Nations system. Through the Group, United Nations agencies provided input to the present report, giving information on their activities, as well as additional country and regional examples.

4. The themes addressed in the present report emerged from General Assembly resolution 64/215. They are: (a) the rule of law and access to justice; (b) property rights and access to land; (c) full employment and decent work; (d) a socially responsible private sector; (e) education and training; and (f) international cooperation.

II. Background

5. In 2004, Norway, with the support of Denmark, Finland, Iceland and Sweden, proposed the establishment of the Commission on Legal Empowerment of the Poor to contribute to poverty eradication efforts. In 2005, the independent Commission was launched by Canada, Denmark, Egypt, Finland, Guatemala, Iceland, India, Norway, South Africa, Sweden, the United Kingdom of Great Britain and Northern Ireland and the United Republic of Tanzania with the support of the United States of

¹ The examples presented in the present report are not intended to be a comprehensive account of developments in the responding countries or in the field but reflect responses received.

America. The final report of the Commission on Legal Empowerment of the Poor, entitled *Making the Law Work for Everyone*,² stressed the importance of sharing best practices in legal empowerment of the poor. The General Assembly took note of the Commission's report in its resolution 63/142.

6. The 2008 report by the Commission describes legal empowerment as "a process of systemic change through which the poor and excluded become able to use the law, the legal system, and legal services to protect and advance their rights and interests".² Legal empowerment of the poor is an approach to development which recognizes that poverty results from disempowerment, exclusion and discrimination. The approach calls for institutional and legal reform and aims to empower individuals and communities to become agents of their own development, through strengthening their livelihoods, property and labour rights and facilitating entrepreneurship.

III. Rule of law and access to justice

7. Despite widespread and growing recognition of and adherence to human rights standards and the rule of law, many people, particularly people living in poverty, women, indigenous peoples and disadvantaged groups, still lack access to justice and protections guaranteed through national and international legal frameworks. Access to justice requires not only legal rights but also awareness of those rights and reasonable access to the mechanisms by which grievances can be redressed. Often, the time, effort and cost needed to access courts or other justice mechanisms is prohibitive. Where justice systems are accessible, they often do not operate fairly or efficiently and may not be guided by statutory law. Lack of efficient resolution of civil cases such as land or property disputes undermines the business environment, making escape from poverty difficult. In crisis settings such as conflicts and disasters, internally displaced people are often deprived of their basic human rights, including legal protection for land and property rights, and lack access to identity papers and personal documentation.

8. A broad range of local, national and global efforts are under way to expand access to justice. Those efforts include legal reform to strengthen gender equality, financial assistance for those in need and public education about the legal system, as well as alternative dispute resolution mechanisms. Women, displaced persons and indigenous people are also being made the focus of increased access to justice in some countries.

9. For example, in Thailand, the Government has initiated a range of activities to improve access to justice, including establishing a justice fund with the aim of providing financial assistance for legal services. Japan approved the Comprehensive Legal Support Act of 2004, designed to provide all citizens with necessary information and services for legal solutions of disputes on both civil and criminal affairs, so that the justice system may be utilized more easily by citizens. The Japan Legal Support Centre provides all citizens in Japan with information services, civil legal aid and other forms of legal assistance.

² Commission on Legal Empowerment of the Poor and United Nations Development Programme, *Making the Law Work for Everyone*, vol. I, *Report of the Commission on Legal Empowerment of the Poor* (New York, 2008). Available from www.undp.org/legalempowerment/report/index.html.

10. The right to a legal identity is essential to ensure access to entitlements and the right to nationality and citizenship. Civil registration is an important tool to ensure and protect the legal rights of individuals and their access to entitlements.

Civil registration and citizenship

11. Jordan, Malaysia, South Africa, Sri Lanka and Thailand have developed civil registration systems over recent decades. Although progress is being made and civil registration systems are being developed in a number of countries, many countries still lack comprehensive civil registration. A well-functioning civil registration system requires the institutional, legal and technical capacity to record vital events such as births, marriages and deaths. The United Nations Statistics Division reports that only 60 per cent of 230 countries and areas register at least 90 per cent of births that occurred in the country. For death registration, only 47 per cent of the countries and areas have at least 90 per cent coverage.³ Legal recognition of births and deaths is important for ensuring access to social services and the resolution of court cases. Birth registration is important for demonstrating parentage and place of birth, which are often key factors in determining citizenship. Citizenship enables access to other rights, such as the right to reside in a country, the right to protection under the law and the right to social services. People in rural and remote areas are less likely to be included in civil registration systems than urban dwellers.

12. In some countries, women lack equal rights of citizenship and the ability to transmit citizenship to their children or spouses, although progress is being made on this front. Since 2002, Egypt, the Libyan Arab Jamahiriya and Morocco have introduced reforms to give women greater rights to transmit citizenship to their children, while Algeria, Iraq, Qatar and Tunisia have taken steps to amend laws that discriminate against women in relation to passing citizenship to both children and spouses. In 2006, the Nepal Citizenship Act was passed, enabling children to claim citizenship through their mothers for the first time.

13. Geographical and language barriers pose a challenge to universal civil registration. In order to help overcome these barriers and increase the inclusiveness of the civil registration system, Guatemala has conducted two major awareness and registration campaigns in different parts of the country. In 2008, a campaign was run in the town of Chichicastenango, Quiché, where more than 97 per cent of the population is rural and indigenous. The Registro Nacional de las Personas, the institution responsible for civil registration, established partnerships with the municipality, indigenous leaders, community development councils and representatives of health and education sectors. Through the training of and collaboration with community leaders, the campaign succeeded in registering more than 450 people and initiated a network of local actors who continue to promote the civil registry. In 2009, similar campaigns were conducted in three other municipalities, both in Spanish and the Mayan languages.

14. Lebanon is implementing a national programme to help people living in poverty by building a database of poor families. The registration system is intended to help identify their needs and tailor interventions with the goal of reducing poverty by half, from 8 per cent to 4 per cent, by 2015, in line with the Millennium Development Goals.

³ For more information, see http://unstats.un.org/unsd/demographic/CRVS/CR_coverage.htm.

15. Civil registration is a key component used to generate quality population statistics, which are essential for monitoring progress on internationally agreed development goals. Several United Nations agencies assist developing countries in improving their population statistics. The United Nations Statistics Division, among other activities, provides a range of technical advice and support to developing countries that are working to implement and improve their civil registration systems.⁴ The United Nations Children's Fund (UNICEF), the United Nations Development Programme (UNDP) and the United Nations Population Fund also work with developing countries to improve their population statistics.

Women and vulnerable populations

16. Women, indigenous peoples and displaced persons face legal marginalization, compounding the problems associated with their higher risk of living in poverty. While access to justice should be universal, it is often useful to target within a universal framework, programmes and laws towards traditionally excluded groups.

17. Many countries are using innovative approaches to enable women to access justice. Over the past two decades, legal reforms have strengthened gender equality in Nepal, ensuring greater economic security for women, protecting them from violence, safeguarding their sexual and reproductive rights, amplifying their voices in decision-making, ensuring equal inheritance and property rights and expanding their divorce rights.

18. In the United Republic of Tanzania, a programme called "Jurisprudence on the ground" has been launched by the International Association of Women Judges and the Society for Women and AIDS in Africa — Tanzania. The programme shares knowledge with judges and magistrates to enable them to tackle gender bias in the judicial system, helps to educate local women in order for them to understand their basic rights and supports them in navigating the legal system. As part of the programme, accessible public education materials have been developed in English and Swahili on women's rights, including practical information on which court to approach, what to expect as a witness and how to register a complaint if one encounters corruption. The programme has helped to improve the accountability of judges to ordinary women; when judges are aware of the barriers that women face, their attitudes change, and they tend to come up with simple but effective solutions, such as waiving court fees, providing forms free of charge or prioritizing sensitive cases.

19. In Argentina, the Supreme Court of Justice, with support from the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women), UNDP and UNICEF, established a dedicated office of domestic violence to provide rapid access to justice and facilitate coordination between agencies in 2008. Women reporting violence are given immediate assistance from a multidisciplinary team including lawyers, psychologists and social workers who provide support services, collect evidence and carry out detailed risk assessments to recommend measures for victim protection.

20. In South Africa, thuthuzela care centres were introduced as part of a national anti-rape campaign, which includes providing rape survivors with a range of integrated services. The centres, which bring together emergency medical care,

⁴ See <http://unstats.un.org/unsd/demographic/CRVS/default.htm>.

forensic services, counselling and court preparation information, aim to address the medical and social needs of sexual assault survivors, reduce secondary victimization, improve conviction rates and reduce delays in court cases. It is estimated that the centres deal with about 20 per cent of all victims of sexual offences in South Africa and have helped to increase conviction rates in rape cases to 89 per cent, compared with the national average of 7 per cent. The trial completion time for cases dealt with by some of the centres has also decreased to 7½ months from the national average of around 2 years.

21. Jordan has hosted workshops and awareness campaigns conducted by the Office of the United Nations High Commissioner for Refugees to advise refugees on their rights, which include free access to the courts of law and the right to legal assistance wherever possible. Guatemala has been providing training workshops and seminars to educate judges on issues related to the rights of indigenous peoples.

Alternative dispute resolution and mobile justice

22. Alternative dispute resolution mechanisms such as mediation are increasingly being established in many countries. Such mechanisms can provide a means for resolving disputes without incurring the cost and inconvenience of litigation. Community-based networks can be used to prevent crime, provide treatment and protect individual's rights. Alternative dispute resolution and court mechanisms can be community-based or mobile, so they increase geographical access to justice, particularly in remote and rural areas.

23. In Thailand, the Ministry of Justice has initiated a justice community network which works in partnership with the people in the community with the aim of preventing crime, developing dispute resolution, providing treatment for offenders and protecting rights and liberties. The Ministry of Justice is also making efforts to ensure justice for people in southern border provinces by enhancing fair settlement of disputes and alternative justice processes and rehabilitating people affected by unrest.

24. Several countries, including Guatemala, Nepal and Thailand, are implementing mobile justice clinics with the aim of providing legal information and assistance to people living in remote areas. In the Democratic Republic of the Congo, mobile courts have been used to bring justice closer to women. In 2010, nine mobile courts adjudicated 186 cases. Of these, 115 rape cases were heard, which resulted in 95 convictions, leading to prison sentences for perpetrators ranging from 3 to 20 years.

IV. Property rights and access to land

25. The absence or insecurity of property rights, particularly with regard to land, remains a central cause of poverty, especially in the poorest countries. Effective recognition of property rights can facilitate access to utilities, such as electricity and running water, and to credit, which enables entrepreneurship and property development. Transferability of assets also provides a buffer for external shocks, such as ill health, death and loss of employment in the household. Furthermore, ownership of assets makes the holders more capable of accessing and using public resources and strengthens their voice in decision-making. Expanding the legal

protection of assets of the poor and promoting access to property by the poor are therefore crucial for their empowerment.

Land titling and informal settlements

26. The strong links between poverty and tenure insecurity have prompted numerous efforts to increase individual land ownership, particularly for women and people living in poverty. Statutory land reforms provide the poor with greater tenure security on land they already occupy. In order for land reforms to be successful, they must combine legislative reform with strong implementation and awareness-raising campaigns targeted at the poor and vulnerable. The power of statutory law depends on the enforcement of the rule of law in the country and the efficiency of public administration at the local level.⁵ Countries have enhanced their citizens' access to land and property through titling land, granting loans and regularizing State land, including in the context of irregular settlements.

27. It is important that land-titling efforts take into account the complexity of property rights at the local level. Access and control of land and related natural resources at the local level depend not only on statutory law but also on a range of customary and religious laws and other normative or legal frameworks. For example, in Africa, 90 per cent of people living in rural areas access land through customary mechanisms.

28. Access to land can be hindered by historic factors related to the distribution of wealth and to ownership and availability of land. In Guatemala, the 2010 amendment to the Land Fund Act has provided people living in rural areas with the possibility of gaining access to land through loans and the regularization of State land. Moreover, the land registry process benefited 192,700 people during the period from 2006 to 2010. Guatemala has also benefited more than 96,600 people through negotiation and mediation services that aim to resolve land conflicts and has implemented rural development programmes consisting of agricultural productivity, training and welfare components.

29. In some countries, especially in economies in transition, private land ownership was only recently legalized. In Mongolia, private ownership of land was made possible in 2003, and since then, the Government has taken concrete steps to ensure the access of all citizens to land and property. The 1994 Land Law was the first legislation to regulate the possession, use and protection of land, followed by the 2003 Law on Mongolian Citizens' Ownership of Land. In 2003, a Government programme that allowed family possessors of residential land to title the land was implemented. In 2008, the General Authority for State Registration also removed land registration fees in order to encourage all citizens, including the poor, to register their land.

30. Property rights remain a challenge not only in rural areas but also in suburban and peri-urban areas, particularly in the context of irregular settlements. The Government of Mexico is allowing poor households to regularize their property in irregular settlements. This is facilitating poor people's access to credit and giving them opportunities to initiate small businesses and other income-generating projects.

⁵ See Ruth Meinzen-Dick, "Property rights for poverty reduction?", Department of Economic and Social Affairs Working Paper, No. 91 (New York, United Nations, Department of Economic and Social Affairs, 2008). Available from www.un.org/esa/desa/papers/2009/wp91_2009.pdf.

In Mongolia, the Property Rights Project is expected to improve the formal system of recognizing and transferring land rights in suburban and peri-urban areas and issue up to 75,000 privatized and registered land titles.

31. The United Nations system is engaged in supporting Governments to enforce and promote property rights, including through the property regularization process. In Ukraine, UNDP is working with the Government to foster full enjoyment of land and property rights. The project aims to ensure that rural landowners in Ukraine become aware of their rights and understand the economic benefits that land and property ownership entail and to provide legal assistance and information to citizens in order for them to effectively exercise their property and land rights.

Women's access to land and property

32. Women represent a large share of the agricultural labour force but remain disadvantaged in their access to land and other productive resources. In Africa, women represent almost 50 per cent of the agricultural labour force but own only 15 per cent of land holdings.⁶ Greater priority must be given in national development policies to improve women's direct access to land and productive assets. This may include changes in inheritance laws and in social norms and attitudes towards women's claims, in addition to the promotion of legal literacy, provision of legal aid and gender sensitization of officials.

33. Land registration and formalization programmes, however, can lead to the erosion of women's customary land rights if the land is registered in the name of the male head of household. Government transfers of agricultural land distributed under anti-poverty, land reform or resettlement schemes should be allowed in women's names and should include women's secondary rights to land (see the report of the Committee for Development Policy on its twelfth session, E/2010/33). Recent tenure reforms in Ethiopia require that wives' names be registered with their husbands', which increased women's awareness of the certification process and the inclusion of women in the registration.

34. Enhancing women's access to land and property rights is also an important priority for United Nations agencies. In Kyrgyzstan, UN-Women has taken comprehensive measures to ensure women's property rights. UN-Women supported capacity-building for local officials, launched media campaigns to raise awareness of women's legal rights and established legal aid clinics in remote areas to provide free legal aid and representation to thousands of women. In Ethiopia, UNDP supported projects that were integral to initiating the revision of the Family Code of Ethiopia to include terms that provide women rights equal to those of men. In Rwanda, UNDP facilitated citizens' awareness-raising with regard to the legal provisions on land, property and inheritance. In addition, the Food and Agriculture Organization of the United Nations supports Government efforts to ensure that their policies and programmes promote and support women as equal contributors to agriculture and rural development, including through their access to land and other productive assets.

⁶ Food and Agriculture Organization of the United Nations, *The State of Food and Agriculture 2010-2011: Women in Agriculture — Closing the Gender Gap for Development* (Rome, 2011).

V. Full employment and decent work

35. Expansion of employment with decent wages and working conditions is the most effective way to eradicate poverty. The right to employment (or gainful work) is indeed recognized by the constitutions of many countries. In practice, however, this right often remains unfulfilled. The private sector often fails to generate as many employment opportunities as are required, while the public sector feels constrained owing to financial and other reasons. National Governments are implementing a broad range of policies to support and promote the right to employment and labour rights, including expanding dialogue between labour, Government and trade unions and establishing labour dispute mechanisms. Vulnerable populations are also being made the focus of employment programmes.

36. In 2005, India adopted the National Rural Employment Guarantee Act aimed at providing at least 100 days of guaranteed wage employment per year to every rural household whose adult members volunteer to do unskilled manual work. This demonstrates that budgetary constraints on employment expansion programmes aimed at the poor are not insurmountable. Such programmes also have a positive impact on the growth of the economy as they boost the poor's purchasing power, which is mostly directed to domestically produced goods and services.

37. In Mongolia, the laws on the right to employment and labour relations were adopted in 2001. In 2011, the Government of Mongolia intends to amend these laws by harmonizing them with international norms and standards. The Government action plan for 2008-2012 aims to provide employment to each citizen. In April 2011, Mongolia increased the minimum wage by 30 per cent. The Government is exploring incentives for employers that sustained a substantial number of jobs and created new ones. A small and medium-sized enterprise fund has been created to encourage and promote entrepreneurship.

38. In Georgia, the protection of labour rights, fair compensation and safe working conditions for women and children are defined by law. The labour code prohibits discrimination against marginalized and vulnerable populations. In 2010, Georgia in collaboration with the International Labour Organization (ILO), founded a trilateral commission on social partnership, which aims to institutionalize social dialogue among the Government, employers and trade unions.

39. In Iraq, the Constitution provides that work is a right for all Iraqis; that the law regulates the relationship between employers and employees; and that the State shall guarantee freedom of movement of Iraqi manpower, goods and capital between regions and governorates. Iraq is in the process of signing the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. Iraq is also providing job opportunities to the unemployed in all groups in society without discrimination, through the implementation of workshops and income-generating activities. Efforts have been made to prevent child labour in Iraq pursuant to article 32 of the Convention on the Rights of the Child and to promote gender equality in the workplace and in the political sphere, where 25 per cent of elected parliamentarians are women.

40. Marginalized groups face particular challenges to attaining decent work. Policies geared towards safeguarding their rights and opportunities as labour force participants increase economic growth and contribute to poverty reduction. Many countries are taking steps to protect the labour rights of marginalized segments of

the population. In Mexico, the National Development Plan 2007-2012 includes various strategies to combat poverty, including strengthening employment-related projects focused on vulnerable groups and advancing the concept of social security to expand the scope and coverage of Government programmes to vulnerable groups.

41. Ukraine recently implemented a programme in collaboration with UNDP and ILO to safeguard the rights and opportunities of working-age persons with disabilities through increased access to employment so as to overcome the very low participation rates of persons with disabilities in the labour force. One of the activities of the programme was to improve legislation regarding job placement and employment of persons with disabilities. This involved reviewing national legislation for consistency with relevant international conventions and making recommendations for new regulatory instruments to bring national legislation in line with international norms, as well as ensuring its implementation. The programme has resulted in increased employment for persons with disabilities: in 2008 one third of working-age people with a disability had a job. By 2011, that figure had increased to one half.

42. Facilitating the movement of people to work across borders is also an important component of a fair, multilateral trading system and helps migrant workers and their families to come out of poverty. Recent trends in a number of destination countries to curb the flow of migrant workers are a concern, especially during difficult economic times, when remittances from these migrant workers have decreased.⁷

43. Several countries have legislated to protect domestic workers. Jordan amended its labour laws to include domestic workers, guaranteeing monthly payment of salaries, sick leave and a maximum 10-hour working day. In Indonesia, the law on domestic violence includes the protection of domestic workers against violence within its scope. In Costa Rica, the reform of the Labour Code in 2009 specified terms of employment for domestic workers. The International Labour Conference adopted the Domestic Workers Convention, 2011, and an accompanying guidance instrument, the Domestic Workers Recommendation, 2011, to improve the lives of some 53 million domestic workers, many of whom face additional discrimination because of their gender or status.

44. In order to achieve democratic governance structures that provide adequate access to labour justice and efficient labour dispute resolution mechanisms, countries have been modernizing their labour legislation and implementing strong enforcement mechanisms, including labour inspection and labour dispute settlement systems. The Labour Dispute Settlement Project in Cambodia and the modernization of the administration of justice in Nicaragua, implemented with support from ILO, have succeeded in helping to build reliable alternative dispute resolution bodies and reform entire labour justice systems to drastically reduce judicial backlog. Technical assistance in such projects has included conducting critical reviews of national justice systems and helping State legislatures reform existing laws and draft new ones.

45. The Better Work Programme, a partnership between ILO and the International Finance Corporation which operates in Cambodia, Haiti, Indonesia, Lesotho,

⁷ *MDG Gap Task Force Report 2011: The Global Partnership for Development — Time to Deliver* (United Nations publication, Sales No. E.11.1.11).

Nicaragua and Viet Nam, focuses on key industries in those countries and provides advisory services and training to promote working conditions that are in line with national and international standards. Better Work programmes have succeeded in helping secure more employment opportunities, better quality working conditions, improvements in freedom of association, wage increases and improved workplace relations.

VI. Encouraging a socially responsible private sector

46. A dynamic, inclusive, well-functioning and socially responsible private sector is a valuable instrument for generating economic growth and reducing poverty. Policy and regulatory frameworks at the national level can encourage the promotion of an enabling environment that facilitates entrepreneurship and doing business by all, including women and people living in poverty. Private sector development must be sustainable and socially responsible; growth generated by reducing the benefits and protections of the average worker is likely to be unsustainable and short-lived and ultimately have long-term negative implications on human capital, productivity and overall economic growth. In addition, the expansion of infrastructure and market access is a precondition for private sector development in rural areas, especially in low-income countries. Food security, poverty reduction and the growth of dynamic rural farmers largely depend on rules-based market development at the local level and public investment in economic and social infrastructure. Many Governments are taking steps to increase competitiveness and economic growth by creating favourable climates for business by reducing regulation and costs associated with doing business. At the international level, the opening of markets by developed countries for exports from developing countries benefits the development of the latter's private sector. Finally, the international business climate is benefited by the harmonization of commerce law.

47. The Government of Mexico has been promoting, as part of its national development plan for 2007-2012, the integration of a national competitiveness agenda in order to create conditions that will ensure a favourable business climate to promote competition and increase productivity and employment. Several programmes and measures have been applied in recent years, including the Trade Facilitation Programme, which aims to reduce the costs associated with trade. The Regulatory Reform Programme aims to increase competitiveness and strengthen economic development through various activities, including significantly reducing the transaction costs faced by businesses and citizens to promote the competitiveness of the national economy. The Government is also seeking to eliminate costs, procedures and regulations to facilitate access to cutting-edge technologies that enable companies to generate innovation.

48. The Constitution of Georgia requires the State to promote free entrepreneurship and the development of competition. The Government of Georgia has taken several important steps towards attracting investment and spurring economic development, including simplifying registration procedures for entrepreneurs, simplifying the tax code and system and reducing tax rates. The procedure for businesses to obtain licences and permits has been simplified, and the number of permits and licences needed to operate a business has been reduced by 88 per cent. Finally, transparent privatization of State business has been used as a strategy to attract foreign investment and increase the role of the private sector in the country's economy. The

reforms have been successful in creating a conducive environment for business as the number of registered enterprises increased threefold between 2003 and 2010.

49. The opening of markets by developed countries for exports from developing countries would support socially responsible private sector development and job creation in developing countries. A rules-based and fair international trading system is essential for the accelerated economic growth required to increase incomes and reduce poverty. During the recent economic and financial crisis, most jobs lost in developing countries were in export sectors, forcing workers into vulnerable employment with lower pay and reduced social security benefits.⁷

50. Relevant in this context are the activities of the World Trade Organization (WTO) and the United Nations Commission on International Trade Law (UNCITRAL). WTO helps to make the multilateral trading system secure and predictable through its dispute resolution body, which handles disputes over trade rules among WTO members. Through its formulation of rules, provision of technical assistance and other activities, UNCITRAL assists States in creating an enabling environment for private sector development based on internationally recognized legal standards. UNCITRAL legal standards contribute to the success of small- and medium-scale enterprises, as well as to job creation, income generation in households and the formalization of the informal business sector, all of which are relevant to the legal empowerment of the poor. Examples of UNCITRAL assistance to States with their commercial law reforms include the Private Sector Development Programme of the United Nations Industrial Development Organization in Iraq, the "Ease of doing business" project of the Asia-Pacific Economic Cooperation in Indonesia and Peru, the East African Community Task Force on Cyberlaws and the World Bank law reform projects in the field of alternative dispute resolution.

VII. Education and training

51. Education and training are critical factors in empowering people living in poverty and an imperative to the legal empowerment of the poor. Education provides opportunities, through skill development, for people to advance their status and improve their livelihoods and thus break the cycle of poverty. Education is also a necessity for people living in poverty to overcome barriers to legal representation and achieve full rights to property, employment and businesses. It is also critical in tackling local corruption and taking full advantage of the services that Government provides. Education and literacy help people to obtain information and knowledge about their rights, facilitating their access to justice. Education and training are therefore the cornerstone of overcoming destitution and legal exclusion and providing people living in poverty with a means to lift themselves out of their situation and demand justice and equal rights.

Access to quality education

52. According to the International Covenant on Economic, Social and Cultural Rights, the right to education includes the right to free, compulsory primary education for all and an obligation to make secondary education, including vocational and technical education, accessible to all. Despite the sustained efforts to provide education, globally 11 per cent of young people between 15 and 24 years of age, amounting to 127 million people, lacked basic reading and writing skills in

2009.⁸ Countries have taken steps to ensure access to and the quality of education, taking into account their national settings and the special needs of vulnerable and marginalized populations.

53. As access to education has steadily increased, the quality of education remains a concern. Financing for education in sub-Saharan Africa has increased 6 per cent every year for the past decade, together with increased enrolment rates, but educational gains do not always match this progress. South Africa has tried to address the issue of quality of education through pro-poor reforms that have effectively directed public spending to poor children. Large gaps, however, already exist by age 8 between the performance of the poorer communities and that of more affluent communities, due to a lack of quality teachers and learning materials, ineffective resource management and poor socio-economic conditions in the communities.⁹

54. Countries have taken various measures to combat illiteracy, including prioritizing partnerships, adult education and access to disadvantaged groups. The Government of Guatemala has prioritized literacy programmes for illiterate young people and adults, with a focus on women in rural and peri-urban areas, and reached about 79,000 beneficiaries in 2010. The Government has also managed to eradicate illiteracy in several municipalities by creating synergies with local governments, the United Nations Educational, Scientific and Cultural Organization, non-governmental organizations and the private sector. In Mongolia, the Government identified, through a population and housing census, the number of illiterate people (amounting to 2.2 per cent of the population) and their characteristics and tackled the issue through innovative approaches to adult literacy programmes, including life skills training and hybrid group training.

55. In order for Governments to respond to the needs of the poor, educational planning must be tailored to the national context. In Mongolia, the Law on Education, adopted in 2002, provides a legal environment that supports both formal and non-formal education and mandates that the citizens of Mongolia have a right to education in formal and non-formal settings. The Law has provided an educational framework that takes into account the diverse needs of the population. Guatemala is responding to the call for multilingual education embedded in its Constitution and Peace Treaty and provides bilingual education in 17 different Mayan languages in order to provide quality education and equal opportunities for different linguistic communities. Mexico has developed an intersectoral approach to improve the welfare of families living in poverty that takes into account the multidimensionality of poverty. Benefiting more than 5.7 million families in 2010, the "Oportunidades" programme provides scholarships in elementary and high school, access to basic health care and direct monetary and nutritional support for poor families.

56. Access to education in rural areas remains a critical barrier to ensuring that the most disadvantaged portions of the population have an equal right to education. In the Plurinational State of Bolivia, multilingual satellite schools are helping to ensure that indigenous girls in remote areas have access to education. Supported by a central school, the satellite schools send teachers out to isolated communities to

⁸ *The Millennium Development Goals Report 2011* (United Nations publication, Sales No. E.11.L.10).

⁹ Servaas van der Berg and others, "Low quality education as a poverty trap" (Stellenbosch University, 2011).

provide classes that promote multiculturalism and impart language skills to indigenous children.

57. Children living in countries affected by conflict and refugee children face additional barriers to accessing education: 42 per cent of primary school-age children not enrolled in school (28 million) live in poor countries affected by conflict, whereas 37 per cent of refugee children in 87 urban areas have no access to schooling.⁸ In Iraq, the Government has improved primary education, launched a community-based awareness campaign to prevent dropouts and reduced constraints and barriers to the education of girls in primary, secondary and tertiary education. In Jordan, the situation of refugee children has been addressed by granting refugees, particularly Iraqis, the right to register at public schools regardless of their legal status, resulting in more than 27,000 students registering in the public school system in 2010 and 2011.

Training

58. Training, including vocational, professional and on-the-job training, is a central vehicle to provide people with skills and capacities to obtain access to decent work and start their own enterprises. In the aftermath of the financial and economic crisis, retraining has become increasingly important for job seekers to respond to changing demands in the labour market and bridge gaps between jobs. Attention should be paid in particular to vulnerable groups and disenfranchised individuals. Countries and the United Nations system have developed and implemented training programmes that respond to the fluctuations in the labour market and take into consideration the needs of vulnerable groups, including people living in poverty, youth, migrant workers and refugees.

59. Several countries have targeted training programmes to marginalized groups, including people living in poverty and refugees. Lebanon is conducting country-wide training courses, with special allowances for marginalized groups, in order to allow them access to decent work. Guatemala reported the dramatic increase in beneficiaries of its training courses, from 129,000 people in 2009 to 196,000 in 2010. Georgia has initiated a programme to provide job seekers with three-month State scholarships in private companies with vacant positions. Jordan has restructured the National Aid Fund to assist the unemployed poor through the provision of vocational training and job opportunities. In addition, the Government has given Iraqi refugees access to Government-provided vocational training, in order to meet national labour demands and create job opportunities for refugees.

60. Governments have also responded to the growing challenge of employment of young people by targeting training to adolescents and recent graduates. In Mexico, the Ministry of Labour and Social Security has implemented the Employment Support Programme, which offers various types of training to unemployed or underemployed youth aged 16 years or over in order to develop their knowledge and skills. The programme provides on-the-job training for technical jobs; internships for the professional and technical levels; self-employment training for people who want to start their own business; training vouchers for retraining and short-term skill development; and training for workers that are temporarily unemployed.

61. The United Nations system, particularly ILO, is broadly engaged in training activities. The ILO Skills and Employability Department implements initiatives that prepare workers and employers for economic and social changes in labour market

conditions worldwide. For example, the Training for Rural Economic Empowerment Programme is a proven platform that assists those working in poor rural communities to build skills and abilities for employment and income generation, with a specific focus on Africa.

VIII. International cooperation

62. Development cooperation between donor and recipient countries is a critical tool for improving the legal empowerment of the poor. In 2009, donors from the Development Assistance Committee of the Organization for Economic Cooperation and Development allocated \$4.2 billion to justice programming, with the United States of America and the European Union together accounting for 70 per cent of this amount. Gender equality has been an important objective within this assistance: \$206 million was allocated to programmes with gender equality as a primary aim and \$633 million to those with gender equality as a secondary aim. Canada, Denmark, Germany, Norway and Sweden were the largest donors to justice programmes in which gender equality was a primary aim.¹⁰

63. Because legal empowerment of the poor requires a broad approach to the rule of law and access to justice, donor nations have taken a variety of measures to tackle this issue. Japan has provided technical assistance to advance the rule of law, promoted democratization by establishing institutions and policies that protect the rights of the poor, and enabled the poor to participate in political activities. The Austrian Development Agency supports a variety of interventions that promote the legal empowerment of the poor, including projects that aim to: strengthen the judiciary and advance access to justice in Bhutan and Uganda; foster women's and girls' rights in Uganda and Central America; combat human trafficking in the Southern African Development Community region; advance social inclusion in the former Yugoslav Republic of Macedonia; and support vulnerable groups in Africa, including persons with disabilities. The Agency also supports a variety of rural development, local governance and local development projects.

64. Regional cooperation, including South-South and triangular cooperation, has become more prominent in recent years. Emerging economies and middle-income countries are engaging in development cooperation with countries from their region and sharing best practices. Thailand is engaging in technical cooperation with other developing countries in such areas as agriculture, education, public health and poverty reduction. In the Asian region, UNDP supports knowledge-sharing among Governments and civil society representatives through the Legal Empowerment Asia Partnership. In 2010, the Partnership, hosted by the Ministry of Justice of Thailand, supported regional learning and South-South cooperation by hosting an exchange of experiences between China, Indonesia, the Lao People's Democratic Republic, Mongolia, Thailand and Viet Nam. Subsequent study tours between China, Mongolia and Viet Nam focused on ways to deliver legal aid services to marginalized and vulnerable workers. In 2011, the Partnership, hosted by Mongolia, will develop a guidance note on methodology for formal screening of laws and regulations for their impact on the poor, test the methodology nationally and share its experiences through its regional consultation meeting.

¹⁰ See UN-Women, *Progress of the World's Women 2011-2012: In Pursuit of Justice* (New York, 2011).

IX. Conclusions and the way forward

65. The national experiences and views of Member States reviewed for the present report highlight the importance of expanding access to justice and the rule of law; full employment and decent work; quality education and training targeted towards vulnerable groups; a socially responsible private sector and economic competitiveness; pro-poor property rights and access to land; and international cooperation, including technical and financial assistance for poverty reduction and empowerment of the poor.

66. Legal empowerment of the poor requires that people living in poverty be protected by effective legal instruments and that they have knowledge of and access to the paths available to redress rights violations. Identity and birth registration systems help people to establish and access their legal rights. Efforts to empower the poor should continue to focus on expanding the rule of law and access to justice for all through, *inter alia*, strengthening and improving the administration of justice, identifying and repealing laws that are barriers to legal empowerment, raising legal awareness and strengthening identity and birth registration systems.

67. National experiences in implementing the legal empowerment agenda highlight the importance of taking into consideration the national context and respecting traditional and/or informal means of resolving disputes while, at the same time, adhering to internationally agreed standards and rights.

68. Employment is the most effective way to reduce poverty. Employment policy and regulatory frameworks can contribute to poverty reduction and the empowerment of the poor by ensuring full employment and decent work for all by strengthening and protecting labour rights, including through respect for the fundamental principles and rights at work proclaimed by ILO.

69. Education and training are among the critical factors in empowering those living in poverty. Education and training opportunities, including literacy programmes, should be expanded, taking into account the needs of vulnerable populations.

70. Private sector entrepreneurship is a valuable instrument for generating economic growth and reducing poverty. Policy and regulatory frameworks that promote a dynamic, inclusive, well-functioning and socially responsible private sector also encourage the promotion of an enabling environment that facilitates entrepreneurship and doing business by all, including women and people living in poverty.

71. Property rights are an essential component of legal empowerment that facilitates access to credit, transfer of assets, entrepreneurship and business formation and contributes to poverty eradication. Strengthening respect for the rule of law, pro-poor property rights and appropriate policy and regulatory frameworks are important priorities in poverty reduction programmes.

72. The international community must continue to make the eradication of poverty a priority. To this end, support provided to developing countries' poverty eradication efforts should be conducive to the legal empowerment of the poor.